

BARBARA STUART ROBINSON
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US DISTRICT COURT FOR THE NORTHERN
DISTRICT OF CALIFORNIA

FILED
FEB 11 2019
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

DMR

BARBARA STUART ROBINSON) CASE NO:

CV19 7387

PLAINTIFF,)

✓
VS

) COMPLAINT OF DISCRIMINATION ✓

BAY AREA RAPID TRANSIT DISTRICT, (BART)

DEFENDANT.)

Jury Trial Requested

_____)
JURISDICTION: THIS COURT HAS SUBJECT MATTER JURISDICTION

VENUE: BART IS DOING BUSINESS IN SAN FRANCISCO, CALIFORNIA AND BARBARA STUART ROBINSON IS A RESIDENT OF CALIFORNIA OF LOS ANGELES VISITING THE SAN FRANCISCO BAY WITH A ACCESS DISABILITY FROM WITHIN THE STATE OF CALIFORNIA.

FACTS:

1. THE BART (SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT) DISCRIMINATED ME ON THE BASIS OF DISABILITY REGARDING SERVICES.
2. BARTS SERVICE RATE REQUIREMENTS DENIED ME, A PERSON WITH A DISABILITY, TO SAME OR EQUAL SERVICES LEAVING ME IN HARM IS SUFFERED MY LOSS OF INDEPENDENCE, INJURY TO SELF ESTEEM AND PUBLIC HUMILIATION AFTER BEING TOLD I CAN NOT RECEIVE MY DISABILITY SERVICE RATE BECAUSE I HAD NO SAN FRANCISCO

DISABILITY CARD AND REQUIRED A SAN FRANCISCO, CALIFORNIA APPLICATION PROCESS TO RECEIVE DISABILITY DISCOUNTED RATES FOR ITS SERVICES.

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3. BARTS (AND/ OR THE AUTHORIZED AGENTS OF BART)DISABILITY SERVICE RATE REQUIREMENTS TREATED ME, A PERSON WITH A DISABILITY, UNEQUALLY AS TO OTHERS PERSONS WITH A DISABILITY.

4. I WAS DISCRIMINATED AGAINST BASED ON DISABILITY REGARDING BART SERVICES BECAUSE BART REFUSED TO ALLOW ITS DISABILITY DISCOUNTS TO PERSONS WHOM WERE VISITORS OF SAN FRANCISCO, CA WITH PROOF OF DISABILITY CARDS AND BART DISCRIMINATED ME ON THE BASIS OF DISABILITY AND I LOST MY INDEPENDENCE, SUFFERED INJURY TO MY SELF ESTEEM AND SUFFERED PUBLIC HUMILIATION AFTER I WAS TOLD THAT I WOULD NOT BE ABLE TO USE ITS SERVICES BECAUSE I COULD NOT AFFORD THE FULL PRICE RATE REQUIREMENTS EVEN THOUGH I RESIDED IN THE STATE OF CALIFORNIA WITH A LOS ANGELES COUNTY FOR ACCESS SERVICES. 5. **Access** Services is for the administration of **Access**, the Americans with

Disabilities Act (ADA) mandated *paratransit* transportation program for Los Angeles County and is committed to improving the mobility on public *transit* of persons with disabilities.

6. BECAUSE BARTS DISABILITY PAY RATE REQUIREMENTS TENDS TO DENYS A PERSON WITH A DISABILITY TO SAME OR EQUAL SERVICES. BARTS DISABILITY PAY RATE REQUIREMENTS TENDS TO TREAT A PERSON WITH A DISABILITY UNEQUALLY. I WAS UNFAIRLY TREATED, UNEQUALLY TO OTHER PERSONS WITH DISABILITIES THAT WERE CITY OF SAN FRANCISCO RESIDENTS BECAUSE I WAS JUST VISITING SAN FRANCISCO, CA, CAUSED ME HARM THAT RESULTED FROM THE ACTS AND OR OMISSION OF SERVICES OF BARTS (AND/ OR THE AUTHORIZED AGENTS OF BART) FOR PUBLIC TRANSPORTATION SERVICES AND ITS REQUIREMENTS ONLY ALLOWED PERSONS WITH A DISABILITY WITH A CITY OF SAN FRANCISCO CARD FROM ONLY THE CITY OF SAN FRANCISCO DISABILITY AUTHORIZATION, TO USE ITS

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TRANSPORTATION SERVICES TO BE THE ONLY PERSON TO BE JUSTLY ENRICHED WITH ITS DISABILITY DISCOUNT RATE OF 60% OFF REGULAR FARE RATE, AND SINCE MY DISABILITY AUTHORIZED CARD WAS FROM LOS ANGELES COUNTY, LOS ANGELES CALIFORNIA THE AUTHORIZED AGENTS OF BART COUNTY WILL NOT AND DID NOT AUTHORIZE MY VISITOR TRANSPORTATION PROOF OF DISABILITY CARD TO EQUALLY RECEIVE THE REDUCED DISABLED FARE FOR ME AS A CITY OF SAN FRANCISCO, SAN FRANCISCO COUNTY VISITOR THAT WAS NOT GIVEN

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AUTHORIZED BY SAN FRANCISCO, CA. ONLY UNDER STATE AND FEDERAL LAW OF DISCRIMINATION, BART DISCRIMINATED ME ON THE BASIS OF DISABILITY SERVICES VIOLATION OF 504 OF THE AMERICANS WITH DISABILITIES ACT OF 1973 AND/ OR VIOLATION OF TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990 UNLAWFULLY TO STATE OF CALIFORNIA STATUTES the Unruh Act., REGARDING DISCRIMINATION AND FEDERAL LAWS REGARDING DISABILITY DISCRIMINATION IN PUBLIC TRANSPORTATIONS AND SERVICES AND WAS DENIED A REASONABLE ACCOMODATIONS.

CAUSE OF ACTION:

1. VIOLATION OF 504 OF THE AMERICANS WITH DISABILITIES ACT OF 1973
2. VIOLATION OF TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990.
3. VIOLATION OF TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990.
4. VIOLATION OF the Unruh Civil Rights Act (Civ. Code 51) 5. Disabled Persons Act (Civ. Code 54.1)

DEMAND FOR RELIEF

1. COMPENSATORY RELIEF
2. EXEMPLARY RELIEF
3. EMOTIONAL DISTRESS

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4. SUFFERING

5. DAMAGES

6. INJURY TO SELF ESTEEM

7. PUBLIC HUMILIATION

8. LOSS ON INDEPENDENCE

9. LOSS OF SELF ESTEEM

10. STATUTORY

STATEMENT OF CLAIM UPON WHICH RELIEF CAN BE GRANTED

BART SERVICES DENIED ME DISABILITY SERVICES AND DISABILITY SERVICE RATES OF 60% OFF REGULAR RATES BECAUSE I WAS NOT A RESIDENT OF THE CITY OF SAN FRANCISCO WITH A CITY OF SAN FRANCISCO RESIDENTS DISABILITY CARD DISCRIMINATING ME ON THE BASIS OF DISABILITY BECAUSE I WAS A OUT OF CITY RESIDENT ONLY VISITING WITHOUT A SAN FRANCISCO CITY DISABILITY CARD , BART REFUSED ME DISABILITY SERVICES RATES OF 60% OFF REGULAR SERVICE RATES unlawful Circumstances and Conditions to Person with a Disability under the Unruh Civil Rights Act (Civ. Code 51) and Disabled Persons Act (Civ. Code 54.1). I was harmed and unrightfully lost my Independence.

In California, disabled persons can sue under two different statutes to allege disability access claims, namely, the Unruh Civil Rights Act (Civ. Code 51) and Disabled Persons Act (Civ. Code 54.1). Previously, California courts held that plaintiffs had to prove intentional discrimination to bring a claim under the Unruh Act whereas the Disabled Persons Act had no "intent" requirement. Although statutory damages are higher under the Unruh Act, disabled persons more often filed suits under the Disabled Persons Act to avoid having to prove intentional discrimination. Now, a recent change in California law will likely result in disabled persons suing under the Unruh Act, leading to higher damages and settlements in disability access cases.

In a recent case, *Munson v. Del Taco, Inc.*, the California Supreme Court determined that a plaintiff who establishes a violation of the Americans with Disabilities Act (ADA) does not have to prove intentional discrimination in order to obtain damages under California's Unruh Act. Plaintiffs in California may now recover up to three times the amount of actual damage, but in no case less than four thousand dollars (\$ 4,000), in addition to attorney fees. The minimum statutory damages in disability access cases will increase from \$1,000 to \$4,000, as disabled persons bring lawsuits under the Unruh Act.

DAMAGES

1. INJURY
2. PUBLIC HUMILIATION
3. LOSS ON INDEPENDENCE
4. LOSS OF SELF ESTEEM
5. STATUTORY DAMAGES

DATED THIS 11TH DAY OF JANUARY,
2019.

/s/BARBARA STUART ROBINSON